

Dec 04, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KENT J.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-3063-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 21. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Brett Edward Eckelberg represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) will hold a *de novo* hearing, further develop the record as necessary, and issue a new decision. The ALJ shall: (1) obtain a case evaluation from a medical

1 expert, such as a pediatrician or other appropriate specialist, consistent with
2 Acquiescence Ruling 04-1(9); (2) reevaluate and weigh the other source opinions
3 about Plaintiff's limitations, including those of Rob J. Tyrell and Rick Cline; (3)
4 reevaluate and weigh the medical opinion evidence of record, including the
5 opinions of George Petzinger, M.D., and Jennifer Schultz, Ph.D., and, as
6 warranted, obtain a consultative examination regarding Plaintiff's medically
7 determinable impairments and resulting limitations, if any; (4) reevaluate
8 Plaintiff's limitations under the six functional equivalence domains; and (5)
9 reevaluate Plaintiff's subjective allegations. Plaintiff may present additional
10 testimony and submit additional evidence.

11 2. **Judgment shall be entered for PLAINTIFF.**

12 3. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is
13 **STRICKEN AS MOOT.**

14 4. An application for attorney fees and costs may be filed by separate
15 motion.

16 The District Court Executive is directed to enter this Order, forward copies
17 to counsel, and **CLOSE THE FILE.**

18 DATED December 4, 2018.



A handwritten signature in black ink, appearing to be "M" or "Rodgers", written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE